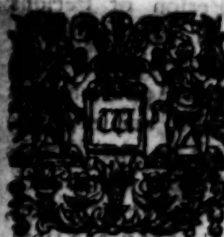


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An ACT for Enabling the Acting Trustees and Executors of William Lemon, Esquire, deceased, to make Leases for Lives or Years, determinable on Deaths, of the Estates in the County of Cornwall, devised by his Will, or purchased in pursuance thereof, respectively, during the Minority of his Grandsons and Nephews, intituled to the same, for the Time being; and for Enabling the said Grandsons and Nephews, when of Age, and the said Trustees, during their Infancy, respectively, to make and grant Setts and Leases of Mines, according to the Custom of the Country.



Whereas William Lemon, late of the Borough of Truro, in the County of Cornwall, Esquire, deceased, made his last Will and Testament in Writing, bearing Date the Eighteenth Day of October, One thousand Seven hundred and Fifty-nine, and thereby devised to Richard Hussy, of Truro aforesaid, Esquire, Johnson Vivian, of Truro aforesaid, Gentleman; John Richards, of the Parish of Crowan, in the said County, Gentleman, Thomas Daniell, of Truro aforesaid, Merchant, and William Pascoe, of Truro aforesaid, Gentleman, their Heirs and Assigns for ever, all and every his Manors, Messuages, Lands, Tenements, and Hereditaments, situate, lying, and being, in the said County of Cornwall, or elsewhere, within the Kingdom of Great-Britain, every or any of them, with their Appurtenances, not by him otherwise disposed of, to hold unto the said Richard Hussy, Johnson Vivian, John Richards, Thomas Daniell, and William Pascoe, and their Heirs for ever, to the Use of them and their Heirs, upon the Trusts, and under and subject to the Powers, Provisoos, and Limitations, therein after expressed and declared, of and concerning the same (that is to say); in the first Place, to the Intent and Purpose that Isabella Lemon might have, receive, and take, annually after his Decease, for and during her natural Life, One Annuity or yearly Rent Charge of Two hundred Pounds of lawful Money of Great-Britain, to be issuing and going out of and charged upon the same Premises; and to be payable and paid in such Manner as is therein mentioned; and, subject to the said Annuity,

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he directed and devised the said Estates to be in Trust for his Grandson, *William Lemon*, and his Assigns, for his natural Life, without Impeachment of Waste, with Remainder to the Use of the said *Richard Hussey, Johnson Viquan, John Richards, Thomas Daniell, and William Pascoe*, and their Heirs, during the Life of his Grandson *William Lemon*, in Trust to preserve the contingent Remainders; and after his Death, in Trust for the First, Second, Third, Fourth, and Fifth, and all and every other the Sons of his Body, lawfully to be begotten, successively in Tail Male; and in Default of such Issue, in Trust for the Testator's Grandson, *John Lemon*, and his Assigns, for his Life, without Impeachment of Waste, with the like Provision for preserving the contingent Remainders; and after the Decease of the said *John Lemon*, in Trust for the First and every other Son of the Body of the said *John Lemon* the Grandson, successively in Tail Male, with Remainder in Trust for the Testator's Nephew, *Samuel Lemon*, Son of his Brother *Samuel Lemon*, and his Assigns, for his Life, without Impeachment of Waste, with the like Provision for preserving the contingent Remainders; and after his Death, for his First and every other Son, successively in Tail Male, with Remainder in Trust for the Testator's Nephew, *John Lemon*, another Son of his said Brother *Samuel Lemon*, for his Life, without Impeachment of Waste; and after his Death, in Trust for the First and every other Son of the Body of the said *John Lemon*, his Nephew, successively in Tail Male, Remainder in Trust for all and every other the Son and Sons of the Body of the said *Samuel Lemon*, the Testator's Brother, lawfully begotten, or to be begotten, successively in Tail Male, with Remainder in Trust for the Testator's right Heirs for ever: And the said *William Lemon* did also, by his said Will, declare, That it should and might be lawful to and for his said Grandson, *William Lemon*, and all and every other Person and Persons respectively, who for the Time being should be in Possession of, or intitled unto, the Rents and Profits of his said therein before devised Estates and Premises, by virtue of his said Will, as and when they should respectively come into and be in the actual Possession thereof, by Indenture, under their respective Hands and Seals, to demise, lease, grant, let, or to farm let, unto any Person or Persons whatsoever, all or any Part or Parcel of all and singular the said Manors, Messuages, Lands, and Premises, therein before devised (except his capital Messuage, called *Carclew*, and his Dwelling-house in *Truro*, and the Appurtenances thereunto belonging, respectively, or to be therewith respectively used and enjoyed) for One, Two, or Three, Life or Lives, or Years, determinable on the Deaths of One, Two, or Three, Person or Persons, in Possession, Reversion, Remainder, or Expectancy, or for One and Twenty Years, or for any lesser Term in Possession, so as no One Part thereof, so to be leased, should be charged, at any one time, with larger or longer Estate or Interest in Possession, Reversion, Remainder, or Expectancy (all Estates and Interests being computed together); but what should be determinable on the Deaths of One, Two, or Three Persons at the most, to be nominated in the said Leases and Estates, or for One and Twenty Years in Possession; and that upon every of such Leases, Setts, and Estates, there should be reserved the antient yearly Rent or Rents, and Dues, which were payable for the same, at the Death of the Testator, or more or any proportionable Part thereof, or more, where a Part of a Tenement, and not the intire Tenement, should be letten or granted as aforesaid; and he did thereby will, order, and direct, that if his said Grandson, *William Lemon*, or such other Person or Persons who, for the Time being, should be in Possession of, or intitled unto the Rents and Profits of his said Estates and Premises therein before devised, by virtue of his said Will, should happen, at the Time of his Decease, to be under the Age of One and Twenty Years, then and in such Case, it should and might be lawful to and for his said Trustees, and the Survivors or Survivor of them, and his Heirs, by Indenture, under their Hands and Seals, to demise, lease, grant, let, or to farm let, all or any Part or Parcel of all and singular his said Manors, Messuages,

Messuages, Lands, and Premises, therein before devised (except as afore-mentioned), unto any Person or Persons whatsoever, for One, Two, or Three Life or Lives, or Years, determinable on the Death of One, Two, or Three, Person or Persons, in Possession, Reversion, Remainder, or Expectancy, or for One and Twenty Years, or for any lesser Term in Possession, so as no one Part thereof, so to be leased, should be charged, at any one time, with a larger or longer Estate or Estates in Possession, Reversion, Remainder, or Expectancy (all Estates and Interest being computed together); but what should be determinable on the Deaths of One, Two, or Three, Persons at the most, to be nominated in the said Leases and Estates, or for One and Twenty Years in Possession; and that upon every of such Leases, Sets, and Estates, there should be reserved the ancient yearly Rent or Rents, and Dues, which were payable for the same at his Death, or more or any proportionable Part thereof, or more, where a Part of a Tenement, and not the intire Tenement, should be letten or granted as aforesaid, to continue and be payable during all the said respective Terms, as should be so granted to his said Trustees, or the Survivors or Survivor of them, and his Heirs, for the Benefit of such Minor, who should be intitled to the Rents and Profits of the Estates, by virtue of and under that his Will: And it is thereby provided, directed, and declared, That if the said *William Lemon*, the Grandson, or such other Person or Persons who, for the Time being, should be in Possession of or intitled to the Rents and Profits of the Testator's Estates thereby devised, by virtue of his said Will, should happen at the Time of his Decease, to be under the Age of One and Twenty Years, then all the Rents and Profits of the same Estates, during such Minority, respectively as aforesaid (except only such yearly Sum as they the said Trustees, or the Survivor of them, or the Heirs of such Survivor, should in their or his Discretions think most necessary to be paid thereout, for the Maintenance and Education of the same *William Lemon*, or such Person or Persons as aforesaid), should be taken as Part of, and go along with, the Residue of his personal Estate, as the said Residue is therein after disposed of, or directed to be disposed of; and the said Testator gave and bequeathed to each of his younger Grandchildren, a Legacy of Twenty thousand Pounds, to be paid as therein mentioned; and he appointed the said *Richard Hufsey*, *Johnjon Vivian*, *John Richards*, *Thomas Daniell*, and *William Pascoe*, Executors of his said Will; and he gave all the Rest, Residue, and Remainder, of his Goods, Chattels, Stocks, Stock in Trade, Funds, Monies, Mortgages, and Securities for Money, and all other his personal Estate whatsoever (after and subject to the Payment of his just Debts and Funeral Charges, and the several Legacies, Sum and Sums of Money, Bequests and Appointments, by him given, bequeathed, or made, or thereafter to be given, bequeathed, or made), unto his said Executors, their Heirs, Executors, Administrators, and Assigns, respectively, upon Trust, that they his said Trustees and Executors, or the Survivors or Survivor of them, his Heirs, Executors, Administrators, or Assigns, should, as soon as conveniently might be after his Decease, sell and convert into ready Money, all such Part or Parts thereof, as should not consist of Money, or Securities for Money, and should call receive, and get, in all such Part and Parts thereof, as consisted in Monies, Securities for Money, and should thereupon, or with all convenient Speed then afterwards, lay out and invest the Monies arising by such Sale or Sales, and to be called, received, and got in as aforesaid, together with all other the said Residuum of his said personal Estate (after and subject as aforesaid), in One or more Purchase or Purchases of Freehold Manors, Messuages, Lands, or Hereditaments, of an Estate of Inheritance in Fee-simple, in some convenient Place or Places, within the County of *Cornwall*, or within some other convenient Place or Places within that Part of *Great Britain* called *England* (with Liberty, nevertheless, to purchase together with such Fee-simple Estates, any Copyhold or Leashold Estates, which should be necessary or convenient to be enjoyed therewith), and thereupon settle, convey,

convey, and assure, or cause to be settled, conveyed, and assured, all such Manors, Messuages, Lands, or Hereditaments, to be purchased as is last mentioned, with their Appurtenances, to the Use of his said Grandson, *William Lemon*, and such other Person and Persons, and in such and the like Order and Manner, and to, for, and upon, such and the like Estate and Estates, Uses, Trusts, Intents, and Purposes, and upon and under, and subject, to such and the like Charges, Powers, Provisions, and Conditions, Restrictions, and Limitations, as were therein before by him devised, limited, or declared, of and concerning the said Manors, Messuages, Lands, Tenements, Hereditaments, and Estates of Inheritance, first therein before devised, or as near thereto as might be, and the Deaths of Persons and other Contingencies would admit of; and the said Testator did thereby authorize, empower, and direct, his acting Executors for the Time being, from time to time, and until the whole of the said Residuum of his said personal Estate should be laid out and invested in such Purchase or Purchases of Manors, Lands, or Hereditaments, to be settled as is last mentioned, to deposit any of the Monies belonging to or arising from his said residuary Estate, or any Part thereof, in the Bank of *England*, for safe Custody, as and when Occasion should require, and from time to time to continue, or lend and place out the same Monies and Estate, or any Part thereof, upon Parliamentary Securities, at Interest, or in the Purchase of Stocks or Annuities in the Bank of *England*, upon the Trusts aforesaid, and from time to time to call and receive in the Monies so deposited, or lent and placed out on Securities, or to sell and dispose of such Stocks or Annuities so to be purchased, as is last mentioned, or any Part thereof, and again to deposit, lend, place out, or invest the same Monies, or any Part thereof, in Manner aforesaid, as often as there should be Occasion, and they should think fit, subject to the Trusts before-mentioned concerning the same; and the said Testator's Will was, and he did thereby direct, that in the mean time, from and after his Decease, and until the said Residuum of his personal Estate should be laid out in such Purchases, all the clear yearly Interest and Produce that should be made of the same, should, from time to time, be paid to, and received by such Person or Persons, as and to whom the Rents and Profits of the Manors, Lands, or Hereditaments, therewith to be purchased as aforesaid (if purchased and settled), would, for the Time being, belong or appertain, by virtue of that his Will, and the Uses and Limitations thereby directed, to be limited of the same Premises, in and by such Settlement or Settlements to be made thereof as aforesaid; and the said *William Lemon*, the Testator, by a Codicil or Writing, under his Hand and Seal, bearing Date the Twenty-second Day of *March*, One thousand Seven hundred and Sixty, ratified and confirmed his said Will:

And whereas the said *William Lemon* the Testator, died in the Month of *March*, One thousand Seven hundred and Sixty, and the said *William Lemon*, his Grandson and Heir at Law, and the said *John Lemon*, his younger Grandson, are both now living, and under the Age of Twenty-one Years; and the said *Samuel Lemon*, the Testator's Brother, is also living, and hath Issue Five Sons, namely, *Samuel Lemon* the younger, *John Lemon*, *William Lemon*, *Charles Lemon*, and *Edward Lemon*, who are all Infants:

And whereas the said *William Pascoe* did, soon after the Death of the said *William Lemon* the Testator, release all his Estate, Trust, and Interest, of, into, and out, of the Testator's real and personal Estate, under his said Will, unto the said *Richard Hussy*, *John Provan*, *John Richards*, and *Thomas Daniel*, his Co-Trustees, and having renounced the said Executorship, before the proper Ordinary, Probate of the said Will and Administration of the personal Estate and Effects of the said *William Lemon*, the Testator, was thereupon granted to them

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the said *Richard Hussy, Johnson Vivian, John Richards, and Thomas Daniell*, under the Seal of the Prerogative Court of Canterbury.

And whereas several of the said Lands, Tenements, and Hereditaments so given and devised by the said Will, have, according to the Usage of the County of Cornwall, been demised and demiseable, and are now in Lease for Lives or Term of Years, determinable on Deaths, under small reserved Rents, and subject to certain Heriots Duties, and Services, and other of the said Lands and Tenements, have been leased for certain Terms, not exceeding Twenty-one Years, at the Improved Rent; and the said *Richard Hussy, Johnson Vivian, John Richards* and *Thomas Daniell*, do apprehend and are satisfied, that it will be greatly for the Benefit and Advantage of the said *William Lemon* the Grandson, and all other Persons claiming under the said Will, and tend to the Preservation and Improvement of the said Estate, that the said Method and Course of Leasing should be maintained and continued; and also that great Profit and Advantage might arise and be made and produced, by granting Setts to any Person or Persons, to dig and search for Ore and Minerals upon the said Lands and Premises, according to the Custom and Usage of the Country; but as no Power to grant such Setts is given to, or vested in any Person or Persons by the said Will; and as the said *William Pascoe*, one of the Trustees and Executors in the said Will named, hath released, and been discharged of the said Trust, in manner herein before mentioned, a Doubt has arisen whether the said Power given to the said Trustees, by the said Will, can be executed by them the said *Richard Hussy, Johnson Vivian, John Richards* and *Thomas Daniell*, or whether such Leases or Setts can be made granted, or renewed, during the Minority of the said Infants, intitled to the same for the Time being, as aforesaid, to the Satisfaction of the Persons who may be willing to treat, contract for, or purchase the same respectively, without the Aid and Authority of Parliament:

Therefore your Majesty's most dutiful and loyal Subjects the said *Richard Hussy, Johnson Vivian, John Richards, and Thomas Daniell*, on Behalf of the said Infants *William Lemon* and *John Lemon*, the said Testator's Grandchildren, and also the said *Samuel Lemon*, on Behalf of the said *Samuel Lemon* the younger, *John Lemon, William Lemon, Charles Lemon* and *Edward Lemon*, his Sons, and Nephews of the said Testator,

Do most humbly beseech Your MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said *Richard Hussy, Johnson Vivian, John Richards, and Thomas Daniell*, or the Survivors or Survivor of them, or the Heirs of such Survivor, and they are hereby authorized and impowered, at any time or times, during the respective Minorities of such of the said Grandsons and Nephews of the said *William Lemon*, the Testator, as shall, for the Time being, be intitled to the Rents and Profits of the Premises as aforesaid, by Indenture or Indentures, sealed and delivered in the Presence of Two or more Witnesses, to demise, lease, or grant, such Part or Parts of the said Manors, Messuages, Farms, Mills, Lands, Tenements, and Hereditaments, given and devised by the said Will, or purchased, or to be purchased, in pursuance thereof respectively, as now is, or are, or hath, or have been, usually leased or demised for One Life or Lives, or for Years determinable on Deaths, unto any Person or Persons, for One, Two, or Three, Life or Lives, or for any Term or Number of Years, determinable on the Deaths of One,

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Two, or Three, Persons in such Leases to be named, either in Possession or Reversion, or by way of future Interest; so as there be reserved and made payable, during the Continuance of the Terms, Estates, or Interests, thereby to be granted, leased, or demised, such yearly Rent or Rents, or more and the usual, or as good Duties, Heriots, and Services, as at the Time of the last setting, leasing, or demising, the same Premises respectively were reserved for the same; and so as there shall not be subsisting upon any Farm, Tenement, or Part or Parcel of the Premises, so to be leased, granted, or demised for One Life, or Two, or Three Lives, or for Years determinable upon Deaths as aforesaid, at any One Time together, both in Possession and Reversion, any greater Estate or Interest, than what will determine on the Deaths of Three Persons in being; and also to demise, lease, and grant, all the said Premises, or any Part thereof, now being, or which have been usually let at Rack Rents, or occupied by the said *William Lemon*, in his Life-time, or which shall hereafter come in Possession (other than and except the said capital Messuage, called *Carclew*, and the said Dwelling-house in *Truro*, and the Appurtenances thereto belonging, or therewith used and enjoyed respectively) unto any Person or Persons, for any Term or Number of Years, not exceeding Twenty-one Years, to take effect in Possession, at and for the best and most improved yearly Rent or Rents they respectively can get for the same, without taking any Fine or Foregift; so as in every of the said Leases, to be made in pursuance and by virtue of this Act, there be contained a Condition of Re-entry, for Non-payment of the Rent and Rents thereby respectively to be reserved, and so as no Clause be contained in any of the said Leases, giving Power to any Lessee, to commit Waste, or exempting him, her, or them, from Punishment for committing the same; and so as the respective Lessees shall execute Counterparts of their respective Leases:

And it is hereby further Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for the said *William Lemon* and *John Lemon*, the Grandsons of the said Testator *William Lemon*, and also, to and for the said *Samuel Lemon*, the Nephew of the said Testator, and to and for all and every other Person and Persons, who shall, for the Time being, be in the Possession of, or intitled to, the Perception of the Rents and Profits of the said Manors, Lands, and Hereditaments, by virtue of and under the said Will, and shall be of the full Age of Twenty-one Years; and if any Person, so intitled to the Rents and Profits of the Premises, for the Time being as aforesaid, shall be under the Age of Twenty-one Years, then to and for the said *Richard Hufsey*, *Johnson Vivian*, *John Richards*, and *Thomas Danielt*, and the Survivors and Survivor of them, and the Heirs of such Survivor to grant Sets to any Person or Persons, to dig and search for Tin, Copper, and other Minerals, in or upon the Manors, Lands, Tenements, and Premises aforesaid, and also to make a Lease or Leases, Grant or Grants, to any Person or Persons willing to take the same to search for, dig, take, and carry away, any Copper, Tin, Metal, or Mineral, in, of, and from any Part of the Manors, Lands, Tenements, and Premises aforesaid, so as such Lease or Leases, Grant or Grants, do not exceed the Term of Twenty-one Years from the making thereof, and so as the same be made upon and under the best Terms, Rents, and Reservations, that can be reasonably got for the same, and so as the respective Lessees do seal and deliver Counterparts of their Leases.

And it is hereby further Enacted, That all and every Lease and Leases, which shall be made and granted, by virtue and in pursuance of this Act, shall be as good, valid, and effectual, in the Law, to all Intents and Purposes, as if the Person or Persons, so making or granting the same respectively,

respectively, was or were seized of the Premises therein to be comprised in Fee simple, and of the full Age of Twenty-one Years; any thing herein contained to the contrary notwithstanding.

And it is hereby further Enacted, by the Authority aforesaid, That all Fines and Profits arising by or from any such Lease or Leases, Sett or Setts, as aforesaid, to be made by virtue and in pursuance of this Act, during the Minority of such of the said Infants, as shall be intitled as aforesaid, shall be accounted for, paid, and applied, in like Manner as the Surplus Rents and Profits of the said Testator's said real Estates are by his said Will directed to go and be applied.

Provided always, and it is hereby further Enacted, by the Authority aforesaid, That the Costs and Charges of obtaining and passing this Act shall be deducted and paid out of the residuary Part of the said Testator's personal Estate.

And it is hereby further Enacted and Declared, That the said *Richard Hufsey, Johnson Vivian, John Richards, and Thomas Daniell*, shall not, nor shall any of them, or the Executors or Administrators of any of them, be answerable or accountable for any Money to be received, by virtue of the Trusts hereby in them reposed, any otherwise than each Person for such Sum and Sums, as he or she respectively shall actually receive; and that none of them shall be answerable or accountable for the Acts, Receipts, Neglects, or Defaults, of the other of them, or for any Loss or Losses, which shall or may in any-wise happen in the Execution or Management of the Trusts aforesaid, except the same shall happen by or through his, her, or their wilful Defaults; and also that they the said Trustees, and every of them, shall be indemnified and saved harmless in all and every Act and Thing, which they or any of them, shall do by virtue and in pursuance of this Act, and that they and every of them, and their respective Executors and Administrators, shall and may, out of any Money which shall come to their Hands, by virtue of this Act, retain to and reimburse themselves all such reasonable Costs and Charges, Damages and Expences, they respectively shall or may sustain, incur, or be put unto; in or about the Execution of the Trusts hereby in them reposed.

Saving always to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (Other than and except the said *William Lemon and John Lemon*, the said Testator's Grandchildren, and the said *Samuel Lemon, John Lemon, William Lemon, Charles Lemon and Edward Lemon*, the said Testator's Nephews, who are all Infants, and the respective Sons of the said Infants; and also the Sons of the said *Samuel Lemon*, the Testator's Brother, and the Heirs Male of the Bodies of all and every such Sons respectively, and the right Heirs of the Testator, and all and every other Person and Persons claiming or intitled to any Use, Trust, Estate, or Interest, of, in, to, or out of, the Lands, Tenements, or Hereditaments, and Premises, charged or affected, or to be charged or affected, by virtue of this Act); All such Estate, Right, Title, Interest, Claims, and Demands, of, in, to, or out of, the same Premises, or any Part thereof, as they, every or any of them, had before the Passing this Act, or could or might have had and enjoyed, in case this Act had not been made.

